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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,614	07/31/2000	John Christopher Brock	2386.2007-000	3854
21005	7590	06/16/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			KANG, PAUL H	
		ART UNIT	PAPER NUMBER	
		2141		

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/628,614	BROCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Paul H. Kang	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 February 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections ~ 35 U.S.C. § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 12, 23, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson et al. (US 2004/0096044 A1), in view of Hendel et al. (US 5,313,582), and further in view of Rizvi et al. (US 6,199,110).**

3. As per claims 1, 12, 23, 25, and 27, Olafsson teaches the invention substantially as claimed. Olafsson teaches sending connection data, wherein the connection data is associated with a current connection between the server communication device and the data access device, from the server communication device to the data access device for storage on the data access device (Olafsson, paragraphs 0051-0054, 0074-0078).

However, Olafsson does not explicitly teach the server communication device sending a storage capability request to the data access device for determining storage capability of the data access device, the data access device replying with a storage capability reply to the server communication device, and sending the connection data based on the storage capability reply.

In the same field of endeavor, Hendel teaches a method and apparatus for buffering data within stations of a communication network, where each station consists of CPU, a program memory, a system memory, a communication controller, a system bus, and a communication medium interface unit (Hendel, col 2, lines 5-13). Hendel further discloses a memory storage request from the host processor to Packet Number Assignment Unit 62', the packet number assignment unit will transmit a page request signal to memory allocation and management unit 61', which in response, searches from available space, and either returns a valid packet number or invalid number to the host processor based on available memory (Hendel, col. 25, lines 24-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hendel into the system of Olafsson for the purpose of optimally using memory and minimizing host processor overhead by reducing the necessity of copying data between structures (See Hendel, col. 1, lines 9-16).

Further, Olafsson-Hendel does not explicitly teach a system and method further comprising sending and storing the connection data for subsequent retrieval by the server communications device or another server communications device during a subsequent connection.

In the same field of endeavor, Rizvi teaches a system and method for planned session termination wherein session information is stored on the client for subsequent retrieval by the server, or another server (Rizvi, see Abstract and col. 2, lines 5-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the session information retrieval system, as taught by

Rizvi, into the system of Olafsson-Hendel for the purpose of providing failover session connectivity.

**4. Claims 2, 4, 5, 9, 11, 13, 15, 16, 20, 22, 24, 26, and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson et al. in view of Rizvi et al. (US 6,199,110).**

5. As per claims 2, 13, 24, 26, and 28, Olafsson teaches the invention substantially as claimed. Olafsson teaches a method to send, from a server communication device, to a data access device, a connection data request, and further to receive at the server communication device, the connection data from the data access device, the connection data associated with one or more prior connections between the server communications device and the data access device and further store the connection data in the data access device in a non-permanent manner (Olafsson, paragraphs 0051-0054, 0074-0078).

However, Olafsson does not explicitly teach a system and method further comprising sending and storing the connection data for subsequent retrieval by the server communications device or another server communications device during a subsequent connection.

In the same field of endeavor, Rizvi teaches a system and method for planned session termination wherein session information is stored on the client for subsequent retrieval by the server, or another server (Rizvi, see Abstract and col. 2, lines 5-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the session information retrieval system, as taught by Rizvi, into the system of Olafsson for the purpose of providing failover session connectivity.

6. As per claims 4 and 15, Olafsson-Rizvi further teaches determining a performance characteristic of the communication system using the retrieved connection data (Olafsson, paragraph 0078).
7. As per claims 5 and 16, Olafsson-Rizvi further teaches configuring a component connected to the communication system using the retrieved connection data (Olafsson, paragraphs 0051-0054, 0074-0078).
8. As per claims 7, 9, 18 and 20, Olafsson-Rizvi further discloses a reduced training connection protocol used by the data access device where the connection data indicates a reset of the reduced training connection protocol should be considered (Olafsson, paragraphs 0051-0057, 0068-0069).
9. As per claims 8 and 19, Olafsson-Rizvi teach using the ITU-T Recommendation V.34 and ITU-T Recommendation V.92 protocol (Olafsson, paragraph 0023).
10. As per claims 11 and 22, Olafsson-Rizvi further teaches the data access device is an analog modem, a digital subscriber line modem, an integrated digital network modem, a cable

modem, a power line modem, and a wireless modem (Olafsson, paragraphs 0051-0057, 0068-0069).

**11. Claims 6, 10, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson-Rizvi, in view of Eldumiati et al. (US 2002/0012388 A1), and further in view of Bhatia et al. (US 6,118,768).**

12. As per claims 10 and 21, Olafsson-Rizvi discloses the substantially as claimed. However Olafsson-Rizvi does not explicitly teach the connection data comprising of a server communications device identifier, a data access device identifier, an Internet Service Provider identifier, a software version identifier, or a recently used Internet Protocol Address.

Eldumiati discloses the exchange of information containing a platform identifier, a controller revision, a DSP revision, a firmware revision, a customer platform identifier, customer code revision identifier, modem initialization strings and other configuration information and remote query by the central site of client AT command responses (Eldumiati, Page 2, paragraphs [00250]-[0029]; Page 3, paragraphs [0039]-[0046]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Eldumiati in the system of Olafsson-Rizvi, because by storing the identifiers in the modems, it is helpful in identifying and diagnosing connectivity problems and it enables the ISP to determine if the client modem requires a code update by analyzing any revision data contained in the exchange (Eldumiati, Page 2, paragraph [0030]).

Further, Olafsson-Rizvi-Eldumiati does not explicitly teach storing recently used Internet

Protocol Addresses. In the same field of endeavor, Bhatia teaches an ISDN LAN modem that automatically adapts itself to a current network environment of a workstation connected thereto, via the LAN, and then obtains configuration information from a user, and further stores the IP addresses and subnets (Bhatia, Abstract; Col. 24, lines 40-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bhatia in the system of Olafsson-Rizvi, because by storing the identifiers in the modems, it allows the modem to transparently establish the connection between the workstations and the ISP without prompting the user (Bhatia, col. 5, 43-45).

13. As per claims 6 and 17, Olafsson-Rizvi-Eldumiati-Bhatia discloses storing IP addresses in a router connected to the communication system (Bhatia: Fig. 1; Col. 5, lines 10-35).

**14. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olafsson-Rizvi, and further in view of Karpoff (US 2001/0049740 A1).**

15. As per claims 3 and 14, Olafsson-Rizvi disclose the claimed invention as described above but does not explicitly teach the connection data request to comprise of offset and length parameters.

In the same field of endeavor, Karpoff teaches a system and method for providing information over wide area networks. Karpoff further teaches a server sending a data request to a controller device containing a controller card, and such request contains file offset and the length of the file (Page 9, paragraph [0116]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Karpoff in the system of Olafsson-Rizvi, because by including an offset and length in the data request, the data being read can be delivered without further involving the server (Page 2, paragraph [0022]).

***Response to Arguments & Amendments***

16. Applicant's arguments filed February 4, 2005 have been considered, but are moot in view of the new grounds of rejection. Accordingly, a Non-Final Office action is set forth above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**